

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, . CRIMINAL NO. 3:16-cr-30033-TSH
Plaintiff . Defendants: 1, 2, 3, 4 & 5
v. . SPRINGFIELD, MASSACHUSETTS
AUGUST 11, 2016
SANTANIELLO et al, .
Defendant . **EXCERPT**
.

TRANSCRIPT OF DETENTION HEARING
BEFORE THE HONORABLE KATHERINE A. ROBERTSON
UNITED STATES MAGISTRATE JUDGE

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24 Proceedings recorded by electronic sound recording,
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I N D E XWITNESSESDIRECTCROSSREDIRECTRECROSSGovernment's:

SPECIAL AGENT ROBERT ZANOLLI

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1 (3:15:52 P.M.)

2 SPECIAL AGENT ROBERT ZANOLLI, GOVERNMENT WITNESS, SWORN

3 DIRECT EXAMINATION

4 BY MS. SHELVEY:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. I'm going to ask you to keep your voice up, and if you
8 could, please just state your name and spell your last for
9 the record.

10 A. Yes. The first name's Robert. The last name is
11 Zanolli. The last name is spelled Z-A-N-O-L-L-I.

12 Q. Sir, where are you employed?

13 A. I'm currently provided with the FBI here in
14 Springfield, Massachusetts.

15 Q. In what capacity are you employed with the FBI?

16 A. I'm employed as a special agent here at the FBI.

17 Q. Are you assigned to a specific unit?

18 A. Yes. I'm assigned specifically to investigate
19 organized crime.

20 Q. And how long have you been assigned to investigations
21 of organized crime within the western part of the state?

22 A. Approximately four years.

23 Q. And during those four years, have your investigations
24 focused on a specific crime family?

25 A. Yes, they have.

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1 Q. And can you explain a little bit about what -- the
2 crime families that you are investigating here in Western
3 Mass.?

4 A. The crime families that we predominately investigate
5 are Italian organized crime, also known as the Mafia or the
6 Mob.

7 Q. And the Mob itself or the Mafia, is that made up of
8 multiple crime families?

9 A. Yes, it is.

10 Q. Is there a specific family or families that have a
11 presence in Western Massachusetts?

12 A. Yes. Historically the Genovese crime family had a
13 presence here in Western Massachusetts for quite a while,
14 since before the 1980s.

15 Q. And during this investigation in your discussions with
16 other members of law enforcement, have you had the
17 opportunity to become familiar with the Genovese crime
18 family itself?

19 A. Yes, I have.

20 Q. Is there a certain structure within the crime family?

21 A. Yes, there is.

22 Q. Can you describe a little bit about that structure?

23 A. The basic structure of a crime family, in this case
24 Genovese crime family, is at the top there's the boss. Then
25 there's the under boss, followed by the Capo, and then

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1 soldiers, and below that are the associates.

2 Q. And as it relates specifically to Western Mass., which
3 level or which layer would be predominately responsible for
4 controlling Western Massachusetts?

5 A. The associates.

6 Q. Do they report to anyone?

7 A. Yes, they do.

8 Q. And who do they report to?

9 A. They report to acting Capo by the name of Eugene
10 Onofrio, also known as the Rooster.

11 Q. And that's as it stands today?

12 A. Yes, that's correct.

13 Q. And is this the same Eugene Onofrio that was also
14 indicted in the New York case recently?

15 A. Yes, he was.

16 Q. I want to go back a little bit and talk about the
17 Genovese, La Cosa Nostra (LCN). Are there certain rules and
18 regulations that members of the Genovese family are
19 required, an oath they're required to take?

20 A. Yes, they are.

21 Q. What is that?

22 A. It's secret oath. It's called omertà. That's a code
23 of silence. It's also -- they also agree to not cooperate
24 with authorities, specifically law enforcement.

25 Q. And how are you aware of this omertà?

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1 A. I'm aware of this omertà through training and
2 experience as a special agent with the FBI.

3 Q. Have you had the opportunity to engage and speak with
4 members of law enforcement as well as members of the Cosa
5 Nostra?

6 A. Yes, I have.

7 Q. Now, who takes this oath?

8 A. Only "made" members of organized crime take this oath.

9 Q. What is a "made" member?

10 A. A "made" member is somebody who takes a secret oath, a
11 secret ceremony; swearing in, if you will. They swear to
12 omertà, the secrecy of the family, and agree to abide by the
13 family's rules and regulations.

14 Q. Is one of those rules or regulations to protect the
15 family?

16 A. Yes, it is.

17 Q. I think you mentioned before something about not
18 cooperating with law enforcement?

19 A. Yes, that's correct.

20 Q. Now, as you were going through this investigation, you
21 mentioned that -- this case started --

22 The Genovese family has had a presence here in Western
23 Massachusetts since sometime since at least the 80s?

24 A. Yes, that's correct. Well before the 80s.

25 Q. I don't want to go all the way that far back, but

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1 starting in about the late 1990s, the mid to late 1990s, was
2 the Western Mass. area controlled by an individual, a
3 Genovese member?

4 A. Yes.

5 Q. Who was that?

6 A. That member was Adolfo Bruno, also known as a *Big Al*.
7 He was at the time a "made" member of the Genovese crime
8 family, and he was the boss locally here.

9 Q. Is there a difference between being the boss locally
10 and being the boss?

11 A. Yes. There's a significant difference between being
12 the boss of a family, say New York City, versus being the
13 boss here in Springfield.

14 In this case when Adolfo Bruno was the boss, he was
15 actually a soldier and a "made" member of the Genovese
16 family.

17 Q. And you mentioned New York City.

18 Where is the Genovese family located predominantly?

19 A. Predominantly in New York City.

20 Q. What types of activities, first, is the Genovese family
21 as a whole engaged in?

22 A. The Genovese crime family, they engage in a variety of
23 criminal activities, including racketeering, loan sharking,
24 gambling, extortion, witness intimidation, murder, fraud,
25 dealing in stolen property, drug trafficking, weapons

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1 trafficking, et cetera.

2 Q. And as it relates to Western Massachusetts
3 specifically, in your experience and in discussions with
4 other members of law enforcement, what type of activities
5 have members of the Genovese family engaged in?

6 A. Traditionally here: murder, extortion, loan sharking,
7 gambling, fraud.

8 Q. I'm going to talk a little bit about Al Bruno.

9 Can you give the Court a little bit of what the Western
10 Massachusetts crime was like under Al Bruno?

11 A. At the time starting around the early or mid 90s, Al
12 Bruno was -- like I said, he was the boss of Western
13 Massachusetts, predominately Springfield Metropolitan Area.

14 Under him he had several associates who controlled his
15 rackets, his criminal activity, while he was the boss here.

16 Q. Who are some of the individuals he would associate with
17 around that time frame? Who are some of his known
18 associates?

19 A. His known associate at that time, his right-hand man
20 was Frank Depergola. Other associates were "made" member
21 Anthony Arillotta. Ty and Freddy Geas were associates.
22 Ralph Santaniello was an associate. Richard Valentini was
23 an associate. Johnny Calabrese was an associate. And there
24 are several others.

25 Q. And you mentioned Frank Depergola.

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1 The individual that you know as Frank Depergola, is
2 that Francisco Depergola?

3 A. Yes, that's correct.

4 Q. And do you see that individual here in court today?

5 A. I do.

6 Q. Can you please identify him for the record?

7 A. Yes. He's sitting in the jury box, first person on the
8 left.

9 MR. SHELVEY: Your Honor, may the record reflect
10 identification of the defendant?

11 THE COURT: Yes.

12 Q. And you mentioned the name Ralph Santaniello.

13 Do you see that individual in the courtroom today?

14 A. Yes, I do.

15 Q. Can you please identify him for the record?

16 A. He's also in the jury box. He is the fourth person in
17 from the left.

18 Q. You mentioned the name John Calabrese. Giovanni
19 Calabrese?

20 A. Yes, that's correct.

21 Q. Do you see Mr. Calabrese here in the courtroom?

22 A. I do. He's also in the jury box. He's the third
23 person from the left.

24 Q. And the name --

25 Do you know an individual by the name of Richard

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1 Valentini?

2 A. Yes, I do.

3 Q. And do you see Mr. Valentini in the courtroom?

4 A. Yes. Mr. Valentini is the second person from the left.

5 Q. And as it relates to -- excuse me.

6 MR. SHELVEY: Your Honor, may the record reflect
7 identification of those four defendants?

8 THE COURT: Yes, it may.

9 MR. SHELVEY: Thank you.

10 Q. As it relates to Mr. Valentini, is he also an associate
11 of the Genovese crime family?

12 A. Yes, he is.

13 Q. Do you know an individual by the name of Gary
14 Westerman?

15 A. Yes, I do.

16 Q. And first, for the Court, who is Mr. Westerman?

17 A. Gary Westerman was an associate of organized -- of the
18 Genovese crime family quite a while ago in approximately
19 2003, 2004. Gary Westerman disappeared, and it was presumed
20 that he was murdered. In approximately 2010 Gary Westerman
21 was discovered to be dead, and his body was dug up and
22 recovered in Agawam, Massachusetts.

23 Q. Now, as it relates to Mr. Westerman's death, was that
24 ruled a homicide?

25 A. Yes, it was.

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1 Q. Were individuals subsequently convicted for the
2 homicide -- of the death of Mr. Westerman?

3 A. Yes, they were.

4 Q. Who was that?

5 A. That was Anthony Arillotta, Emilio Fusco, Ty Geas and
6 Freddy Geas.

7 Q. And Mr. Arillotta subsequently cooperated with the
8 government?

9 A. Yes, he did.

10 Q. And what was the explanation for the death of Gary
11 Westerman?

12 A. The explanation for the death of Gary Westerman was
13 that he was believed to be a cooperator for law enforcement
14 at that time, which was true.

15 Q. Cooperating in what sense?

16 A. Cooperating against members of organized crime.

17 Q. And he went missing sometime in 2002, 2003?

18 A. Yes, he did.

19 Q. Now, Al Bruno, was he also killed?

20 A. Yes, he was.

21 Q. And when was he killed?

22 A. He was killed November 23, 2003.

23 Q. Prior to his death was Mr. Bruno collecting and
24 extorting members of the community?

25 A. Yes, he was.

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1 Q. What types of extortion was he involved in?

2 A. At the time Adolfo Bruno was involved in the extortion
3 of both legitimate and illegitimate businesses here in
4 Springfield, Massachusetts, and Western Massachusetts.

5 Q. Based on your experiences and speaking with other
6 members of law enforcement, did you learn that he was
7 collecting street tax from --

8 A. Yes. Yes. That's correct. He was.

9 Q. Now, at the time that Al Bruno, Adolfo Bruno, was
10 murdered, who was with him on the night that he was killed?

11 A. That would be Frank Depergola was with him the night he
12 got murdered.

13 Q. And where was he murdered?

14 A. He was murdered at the Mount Carmel Society, also known
15 as the Italian Club.

16 Q. During the course of the investigation, did you learn
17 that there was concerns that Al Bruno was cooperating with
18 law enforcement?

19 A. Yes.

20 Q. And can you explain a little bit about what that belief
21 was or why that came to be a belief by members of the
22 Genovese crime family?

23 A. There was a belief by members of Italian organized
24 crime at that time that Al Bruno was cooperating, that
25 information was forwarded to the boss in New York City. At

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1 that time they deemed --

2 Let me back up. They basically gave the approval for
3 the hit on Adolfo Bruno because of that.

4 Q. And why did they believe that Adolfo Bruno was actually
5 an informant for the FBI or working with law enforcement?

6 A. They believed he was an informant for law enforcement,
7 because he had made contact and spoken with a member of law
8 enforcement; specifically, an FBI agent.

9 Q. Did it come to turn out that he actually wasn't giving
10 information?

11 A. That's correct.

12 Q. But that was the whole basis for the murder?

13 A. Yes, that's correct.

14 Q. And who were the individuals that were involved in his
15 murder?

16 A. The members that were directly involved in his murder
17 were Frankie Roche who pulled the trigger and shot Adolfo
18 Bruno, Ty Geas and Freddy Geas, and Anthony Arillotta who
19 was orchestrating it.

20 Q. And this order came from where?

21 A. Could you repeat the --

22 Q. Where did the order to murder Al Bruno come from?

23 A. The order came from New York City, the head of the
24 Genovese crime family.

25 Q. And as part of the Genovese rules, if you will, do they

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1 have the ultimate say on who is murdered in the name of the
2 family, or who can be killed in the name of the family?

3 A. Yes, that's true. They have to get approval from New
4 York to do a hit or to kill somebody.

5 Q. When you say "from New York," about how large is the
6 Genovese crime family?

7 A. The Genovese crime family has thousands of members,
8 associates. It's one of the top two biggest families in New
9 York City along with the Gambino crime family.

10 Q. So orders to quiet or silence a witness would come from
11 New York?

12 A. Yes.

13 Q. Okay. Now, I want to move forward to 2013 and to the
14 focus of this investigation.

15 Did you ultimately become involved in the investigation
16 in to Ralph Santaniello, Giovanni Calabrese, Frank Depergola
17 and Richard Valentini?

18 A. Yes, I did.

19 Q. Can you explain to Her Honor how you became involved in
20 this investigation?

21 A. The way I got involved in the investigation first was
22 with contact with Massachusetts State Police Special
23 Services Section. They had been -- they had an individual
24 who came and reported -- being a owner of a legitimate
25 business, a tow company, they came and reported being

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1 extorted by members of organized crime.

2 MR. SHELVEY: Your Honor, I made -- there's a copy
3 of all the exhibits that I have recorded if you'd like them.

4 THE COURT: Have defense counsel seen copies of
5 the exhibits?

6 MR. SHELVEY: Yes, Your Honor. I'd made copies
7 for defense counsel.

8 THE COURT: Okay. I'd like to mark them. I'd
9 like to have Ms. Calderon mark them as --

10 MR. SHELVEY: I believe most of them are already
11 marked.

12 THE COURT: Okay.

13 MR. SHELVEY: May I approach?

14 THE COURT: Yes, absolutely.

15 So these are copies of the documents that you're
16 going to use as exhibits. So if as you're going through you
17 see that you have failed to mark one, we will at that time
18 mark it.

19 MR. SHELVEY: Thank you, Your Honor.

20 THE COURT: Thanks.

21 MR. SHELVEY: Your Honor, I have the original
22 copies that I intend to introduce. That's just for the
23 Court.

24 THE COURT: Yes. No, I understand.

25 BY MS. SHELVEY:

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1 Q. Now, in or about October 1st of 2013, did Victim One
2 meet with law enforcement?

3 A. Yes, he did.

4 Q. At the time that Victim One met with law enforcement,
5 did they have an opportunity to speak with him about what
6 had occurred?

7 A. Yes, they did.

8 Q. Did they learn as to whether there were any injuries as
9 a result of what had occurred the day before?

10 A. Yes, they did.

11 Q. First, in summary fashion, can you please tell us what
12 Victim One told law enforcement on October 1st of 2013?

13 A. Victim One told law enforcement that he was approached
14 at his residence by members of organized crime, specifically
15 Ralph Santaniello, John Calabrese, and they told him that
16 basically he was going to pay a street tax in the amount of
17 \$20,000.

18 Q. Did they identify as to why they were approaching him
19 specifically and telling him that he was going to be paying
20 street tax?

21 A. Yes. They indicated that he had paid Al Bruno in the
22 past, and that he was going to start paying them, as well.

23 Q. And did you confirm that, in fact, Victim One had made
24 payments in the past to Al Bruno before his death in 2003?

25 A. Yes.

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1 Q. And since 2003 had Victim One made any street tax
2 payments to anyone?

3 A. No, he did not.

4 Q. Did the approaching ten years later, was that a
5 surprise to Victim One?

6 A. Yes, it was.

7 Q. And when law enforcement was interacting with Victim
8 No. 1, did they make any observations about any injuries?

9 A. Yes, they did.

10 Q. Did Victim One explain how the injuries occurred?

11 A. Yes, he did.

12 Q. Can you explain what law enforcement was told by Victim
13 One?

14 A. Yes. Victim One explained that he was struck by Ralph
15 Santaniello in the side of the face. He had bruising on the
16 side of his face as well as a cut on his lip.

17 Q. I'm going to show you Government's Exhibit 1.

18 Sir, I'm going to ask you to take a look at it. Do you
19 recognize that individual?

20 A. Yes, I do.

21 Q. Who is that individual identified as?

22 A. That is Victim One.

23 Q. And are the injuries in that photograph, those are the
24 injuries depicted that were mentioned to law enforcement on
25 October 1st of 2013?

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1 A. Yes, they are.

2 MR. SHELVEY: I'm going to ask that this be marked
3 as Exhibit 1.

4 GOVERNMENT EXHIBIT NO. 1, ADMITTED

5 BY MS. SHELVEY:

6 Q. After discussions with law enforcement on October 1st
7 of 2013, did Victim One agree to cooperate with them?

8 A. Yes, he did.

9 Q. And did he agree to make both audio and visual
10 recordings of what had occurred or make any type of
11 payments?

12 A. Yes, he did.

13 Q. Was an arrangement made between law enforcement and
14 Victim One where law enforcement would make the street tax
15 payments for him?

16 A. Yes, that's correct.

17 Q. And over the course of the investigation, how much
18 money was paid to the defendants in extortion?

19 A. A total amount of \$20,000 was paid.

20 Q. I direct your attention to October 4th of 2013.

21 Did law enforcement and Victim One make contact with
22 any individuals as relates to this investigation?

23 A. Yes, they did.

24 Q. And who was that?

25 A. Victim No. 1 came in contact with Ralph Santaniello and

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1 John Calabrese -- I'm sorry. Johnny Calabrese and Richard
2 Valentini.

3 Q. In the discussions on October 4, did they have a chance
4 to recap what had occurred on September 30th of 2013?

5 A. Yes, they did.

6 Q. And specifically, on September 30th of 2013, aside from
7 the injuries, what did Victim One tell you about that
8 conversation?

9 A. I believe Victim One said that -- that he couldn't
10 understand why he was being slapped around.

11 Q. But when we're talking --

12 We're talking about September 30 specifically, before
13 we get to the October 4 discussion.

14 On September 30 what specifically did Victim No. 1 tell
15 law enforcement about the whole extortion plan?

16 A. Could you repeat the question?

17 Q. September 30 did Victim One encounter individuals?

18 A. Yes, he did.

19 Q. On October 1 did he speak with law enforcement about
20 what had occurred?

21 A. Yes, he did.

22 Q. Can you relay to the Court the conversation that Victim
23 One had with law enforcement about the incident on September
24 30?

25 A. Yes. Victim One had stated that he was told by Ralph

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1 Santaniello and John Calabrese that he had owed \$50,000 to
2 them. They also told him that if he didn't pay, that they
3 would chop his head off and bury him in the back yard.

4 Q. What was the explanation for how the \$50,000 number
5 came about?

6 A. That explanation was given as a result of the time he
7 had not paid any street tax between the time that Al Bruno
8 was murdered and the current time where he was being
9 approached and extorted by John Calabrese, Ralph
10 Santaniello, Frank Depergola and Richard Valentini.

11 Q. During that same discussion, did the victim explain to
12 you where this took place?

13 A. Yes.

14 Q. Where was that?

15 A. It was in Hampden, Massachusetts, at his residence.

16 Q. During the course of the investigation, did you learn a
17 little bit about Victim One's residence?

18 A. Yes.

19 Q. Is it in a remote area?

20 A. Very remote, yep.

21 Q. Can you please describe a little bit about that to the
22 Court?

23 A. The residence is located in Hampden, Massachusetts.
24 It's located in the country on about 60 acres.

25 Q. And at the time that Victim One was approached by Ralph

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1 Santaniello and John Calabrese, was he on the property
2 alone?

3 A. Yes, he was.

4 Q. Was there any types of buildings or anything on the
5 property at that time?

6 A. Yes. There were some construction-type buildings.

7 Q. What was in the process of doing?

8 A. He was in the process of building a house.

9 Q. What other information did Victim One give you about
10 the conversation that occurred on October 30th of 2013?

11 A. Would you repeat the question?

12 Q. What other information aside from the \$50,000 did
13 Victim One tell you occurred during that discussion on
14 October 30, 2013?

15 A. I believe they said that -- something to the effect of
16 that they were going to help him grow his business, and they
17 were going to help him with this if he had paid them, help
18 him keep his contracts with the city.

19 Q. What do you mean keep his contracts with the city?

20 A. He currently has -- Victim No. 1 currently has a
21 contract with the City of Springfield to tow vehicles and so
22 on and so forth. They were referring to him keeping his
23 contract versus having them force him to lose his contract
24 and his business with the city.

25 Q. Did they further have discussions about getting other

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1 contracts for Victim One if he cooperated with them?

2 A. Yes, they did. They talked -- they mentioned a
3 contract with the Massachusetts Turnpike.

4 Q. Now, did Victim One respond positively and agree to
5 make these payments on October 30th of 2013?

6 A. No, he did not.

7 Q. What happened when he said he didn't want to pay?

8 A. They got angry at him, because he did not agree to make
9 the payments. They mentioned you give me a number. At that
10 point he refused to give a number.

11 Q. What do you mean, "You give me a number"?

12 A. That's referring to the amount of money that they were
13 going to pay him in street tax per month or per week,
14 depending on when the payments were.

15 Q. And when Victim No. 1 refused to give a number to Ralph
16 Santaniello and John Calabrese, what happened?

17 A. That's when Ralph Santaniello slapped him in the head.

18 Q. Was that slap before or after Ralph Santaniello
19 threatened to cut off his head and bury his body in the back
20 yard?

21 A. I don't recall whether it was before or after.

22 Q. After being slapped by Ralph Santaniello, what did --
23 did Victim One agree to make payments?

24 A. Yes, he did.

25 Q. Was there any discussion between Victim One and John

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1 Calabrese and Ralph Santaniello about what would happen in
2 going to the police?

3 A. Yes. They warned him not to go to law enforcement.

4 Q. And the following morning what did Victim One do?

5 A. He went to the police.

6 Q. And up and until this indictment, was this information
7 made public?

8 A. No, it was not.

9 Q. About Victim One's cooperation?

10 A. No, it was not.

11 Q. And initially when Victim One met with law enforcement,
12 did he have any concerns?

13 A. Yes, he had concerns for his safety.

14 Q. Why was this?

15 A. Well, he knows that these defendants here are
16 associates of organized crime, and that they have a
17 propensity for violence; and therefore, he was -- he had
18 concern for his safety.

19 Q. Is that the information he expressed to the law
20 enforcement as to why he wanted to work with them?

21 A. Yes.

22 Q. Now, on October 4th of 2013 did law enforcement arrange
23 a payment to be made through Victim One?

24 A. Yes, they did.

25 Q. Where was that payment arranged to happen?

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1 A. That payment was arranged to happen at his residence in
2 Hampden, Massachusetts.

3 Q. And again, this payment was the one he agreed to on
4 September 30?

5 A. Yes, correct.

6 Q. When you say agreed to, did he agree to it voluntarily?

7 A. No, he did not.

8 Q. Now, at the time that these --

9 At the time that this payment was to occur in Hampden,
10 Mass., did Victim No. 1 agree to wear a recording device or
11 wires?

12 A. Yes. Yes, he did.

13 Q. And was law enforcement on the property in the premises
14 at the time that this payment took place?

15 A. Yes, they were.

16 Q. Do you know whether or not there were recordings of
17 this payment?

18 A. There were several recordings made during this payment.

19 Q. When you say several, why is that?

20 A. Several -- there's some devices we can just capture
21 audio. There's some devices where you can catch audio and
22 video. There are times when devices fail or malfunction; so
23 therefore, several devices were used.

24 Q. So law enforcement was utilizing various electronic
25 methods to record these interactions?

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1 A. Yes, that's correct.

2 MR. SHELVEY: Your Honor, may I approach the
3 witness?

4 THE COURT: Yes.

5 Q. Sir, I'm going to show you what's been marked as
6 Government's Exhibit 2A, 2B and 2C. I'm going to ask you to
7 take a quick look at those.

8 And do you recognize those?

9 A. Yes, I do.

10 Q. And what are 2A and 2B?

11 A. 2A is a -- I'm sorry.

12 2B did a transcript of the recording that was completed
13 on October 4, 2013.

14 Q. I'm going to direct your attention to the letters.

15 A. I'm sorry.

16 Q. 2A and 2B, what are they?

17 A. Okay. 2A and 2B are DVD disks of the surveillance, the
18 video audio surveillance that was completed on October 4,
19 2013.

20 Q. And what is 2C?

21 A. Exhibit 2C is a transcript of the recording that was
22 completed on October 4, 2013.

23 MR. SHELVEY: Your Honor, I did not a provide a
24 copy to the Court. I have an extra copy if the Court wants
25 those.

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1 THE COURT: The disks. You're going to play the
2 disks?

3 MR. SHELVEY: Yes.

4 THE COURT: We'll be in touch with -- Ms. Calderon
5 will be touch with the U.S. Attorney's Office -- if we're
6 not able to hear on our recording what's the contents of the
7 disk, we'll be in touch with the U.S. Attorney's Office
8 through the clerk's office and ask for copies.

9 Have the defendants been provided with copies of
10 the disks?

11 MR. SHELVEY: Yes, they have. They have copies of
12 the transcript.

13 THE COURT: Of the transcript. Okay. Mr.
14 Olanoff?

15 MR. OLANOFF: Your Honor, no objection to the
16 disks coming in, but this transcript --

17 THE COURT: The transcript?

18 MR. OLANOFF: -- includes statements that they say
19 are attributed to my client, Mr. Valentini, that he never
20 said. And so I don't think that transcript is very
21 accurate, so I would ask that it not be introduced.

22 MR. SHELVEY: Your Honor, as it relates to the
23 October 4, there's -- Mr. Valentini was present. We'll play
24 the transcripts.

25 THE COURT: All right. So there's an objection to

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1 the admission of the transcript, but no objection to the
2 admission of the disks.

3 MR. OLANOFF: Yes, Your Honor.

4 THE COURT: All right. What I'll do, with respect
5 to the transcript, is I will take it de bene. I'll, you
6 know, check it against the --

7 But I'm going to rely on the disks primarily. I'm
8 going to rely on the disks.

9 MR. SHELVEY: Thank you. And in the interest of
10 time, Your Honor, the government was just going to use
11 portions thereof --

12 THE COURT: Yes. But we're admitting the entire
13 disk.

14 MR. SHELVEY: Yes.

15 THE COURT: Okay. And you're going to play
16 portions of it?

17 MR. SHELVEY: Yes.

18 THE COURT: All right.

19 BY MS. SHELVEY:

20 Q. Special Agent Zanolli, as it relates to the transcripts
21 themselves, are these court certified transcripts?

22 A. No, they're not.

23 Q. Who did the transcriptions?

24 A. The transcriptions were completed by support personnel
25 at the FBI.

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1 Q. Did you have an opportunity to compare the disks to the
2 transcript?

3 A. Yes, I did.

4 Q. And in an effort to make it as clear as possible?

5 A. Yes, I did.

6 Q. Now, again, Government's Exhibit 2A, for the record,
7 we're going to be starting --

8 (Pause in the proceedings.)

9 Q. Special Agent Zanolli, while they're doing that, for
10 the record, 2A, which device is being utilized?

11 A. That would be a handheld device.

12 Q. Can you explain what the handheld device is?

13 A. Yes. A handheld device is the device that was used by
14 a member of law enforcement that was located on the
15 property.

16 Q. So it was actually law enforcement making recordings?

17 A. Correct.

18 (Pause in the proceedings.)

19 Q. While we're working on that, I'm just going to ask some
20 questions about this actual interaction.

21 MR. O'REGAN: Here it is.

22 (Recording played and stopped.)

23 Q. Okay, sir. I'm going to ask you to draw your attention
24 to the video screen.

25 First of all, if you could, can you please identify the

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1 individuals who are depicted?

2 A. Yes. The individual on the left with the sunglasses
3 and the black hat with the emblem on it, that's John
4 Calabrese who's sitting in the jury box third from the left.

5 On the right side, the gentleman facing you is Richard
6 Valentini, and then the person with his back toward us is
7 Victim No. 1.

8 Q. I'm going to switch, if we could, to Government's
9 Exhibit 2B. I show you government's Exhibit 2B again, and
10 without describing too much detail of the device, what is
11 that?

12 A. Yes. That's a device -- a recording device that was
13 used during that meeting.

14 Q. As it relates to Government's Exhibit 2B, is it easier
15 to understand the conversations on 2B versus 2A?

16 A. Yes, it is.

17 Q. However, is the picture or the images better on 2A?

18 A. It's better on 2A, correct.

19 Q. And for the record, we're going to start this at
20 approximately 2 minutes and 25 seconds, and we're going to
21 play about a minute and 5 seconds.

22 (Recording played and stopped.)

23 MR. SHELVEY: Can you pause for a second?

24 Q. Who's speaking right now?

25 A. That is going to be Victim One is speaking now.

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1 Q. Thank you.

2 (Recording played and stopped.)

3 MR. SHELVEY: Just of stop for a moment there.

4 Q. Who's speaking at that --

5 A. That is John Calabrese.

6 MR. SHELVEY: Continue. Thank you.

7 (Recording played and stopped.)

8 MR. SHELVEY: Stop there. Thank you.

9 BY MS. SHELVEY:

10 Q. Sir, just because it's very hard to understand, what
11 are they discussing in that clip that's being played?

12 A. During that clip they're discussing the Victim No. 1
13 giving Ralph Santaniello, John Calabrese a number, the
14 number being the amount he would agree to pay them weekly or
15 monthly as street tax.

16 Q. Was a reference made to being slapped?

17 A. Yes.

18 Q. And who brought up the fact of being slapped?

19 A. That was John Calabrese.

20 Q. Talking to John Calabrese?

21 A. I'm sorry. Correction. The victim, Victim No. 1,
22 brought up the fact that he was slapped by -- to John
23 Calabrese that he was slapped by Ralph Santaniello.

24 Q. Now, we saw two individuals there.

25 Does Richard Valentini speak during this interaction?

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1 A. Almost not at all. Very little.

2 Q. Why was he there?

3 A. We believe he was there to show as a muscle, to be
4 intimidating to Victim No. 1.

5 Q. Was there something based on your investigation that
6 led you to believe that Richard Valentini was being utilized
7 by Ralph Santaniello and John Calabrese as the muscle?

8 A. Yes.

9 Q. And can you describe a little about what that was?

10 A. It's information in the investigation. Because of the
11 fact that he showed up at the meetings, he did not have --
12 he did not talk, he did not lay down the rules, he wasn't a
13 part of it. He just stood there and basically stared at the
14 Victim No. 1.

15 Q. And was there a previous investigation in 2005 done by
16 the State Police where Mr. Valentini was utilized in that
17 capacity, as well?

18 A. Yes, I believe so.

19 Q. And he was subsequently convicted of that with Mr.
20 Santaniello as his co-defendant?

21 A. Yes.

22 MR. KELLY: Your Honor, I would object to that
23 coming in. That was just way too vague, and there was an
24 inference there that he was involved in some sort of
25 violence, and there was no such allegation of that, I don't

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1 think, that night.

2 THE COURT: Yeah. I'm going to strike that.

3 BY MS. SHELVEY:

4 Q. Sir, I want to direct your attention to October 9th of
5 2013.

6 Was there an arrangement made again to audio and video
7 record the payment?

8 A. Yes, there was.

9 Q. And how much was that payment supposed to be?

10 A. For 5,000 -- the payment was supposed to be for \$5,000.

11 Q. And where was that payment to take place?

12 A. That was -- I believe it was supposed to be at the
13 Victim No. 1's residence again.

14 Q. And on October 9th of 2013 did someone arrive at the
15 Victim No. 1's residence?

16 A. Yes. John Calabrese arrived at the victim's residence.

17 Q. Did the Victim No. 1 and Mr. Calabrese have
18 discussions?

19 A. Yes, they did.

20 Q. Was a payment made to Mr. Calabrese on that day?

21 A. Yes. A payment was made in the amount of \$500, not the
22 \$5,000 that was agreed upon.

23 Q. How did Mr. Calabrese react to that?

24 A. He didn't take it well. He was angry about the fact
25 that he did not pay the full amount as promised in the

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1 agreement.

2 Q. And did he have a discussion about Victim No. 1 having
3 to talk to somebody about this?

4 A. Can you repeat the question?

5 Q. Was there a discussion about the fact that Victim No. 1
6 would then have to speak to somebody else about the fact
7 that nothing was being paid under the arrangements?

8 A. Yes. Victim No. 1 wanted to verify that somebody
9 legitimate was giving the order for him to pay a certain
10 amount of street tax.

11 Q. And what was Mr. Calabrese's reaction to that?

12 A. Repeat the question?

13 Q. How did Mr. Calabrese react to that?

14 A. Not well. He didn't like it. Anytime that Victim No.
15 1 pushed back or questioned Mr. Calabrese, Mr. Calabrese
16 appeared to get angry.

17 Q. I'm going to show you what's been marked Government's
18 Exhibits 3A, 3B and 3C, and ask you if you recognize what
19 those are?

20 A. Yes, I do.

21 Q. What do you recognize those to be?

22 A. Exhibits 3A and 3B are both DVD disks. They're copies
23 from the original law enforcement file.

24 Exhibit 3C is a transcription from October 9, 2013,
25 involving Victim One, Ralph Santaniello and John Calabrese.

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1 Q. You mentioned Ralph Santaniello. How did he get
2 involved in this payment?

3 A. There was an initial meeting, the second meeting. John
4 Calabrese came back with Ralph Santaniello. Drove back to
5 the Victim One's house.

6 Q. Why did John Calabrese come back to Victim One's house
7 with Mr. Santaniello?

8 A. We believe that he came back, because Ralph was
9 supposed to verify. He was supposed to be the guy that was
10 supposed to verify that the payments were authorized to be
11 made.

12 Q. Was Mr. Calabrese and Mr. Santaniello, were they upset
13 about the fact that the \$5,000 had not been paid as
14 previously arranged?

15 A. Yes, they were.

16 Q. Was law enforcement present at the property when this
17 incident took place?

18 A. Yes, they were.

19 Q. Did something unusual happen when Mr. Santaniello
20 showed up?

21 A. Yes, it did.

22 Q. Can you explain what that was?

23 A. When Mr. Santaniello and Mr. Calabrese arrived in a red
24 Buick, they immediately got out of the vehicle. They
25 approached Victim No. 1, and Ralph Santaniello looked at a

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1 trailer that was set in the background, a construction
2 trailer. He immediately said, "What's that?," and
3 immediately approached -- walked quickly up to the trailer
4 at that time.

5 Q. Was there somebody or persons in the trailer?

6 A. Yes, there was. There was two persons in the trailer.

7 Q. And who was in trailer?

8 A. They were two members of law enforcement that were
9 acting in an undercover capacity.

10 Q. Did Mr. Santaniello confront those two individuals?

11 A. Yes, he did.

12 Q. Did those two individuals, were they dressed as members
13 of law enforcement?

14 A. No, they were not.

15 Q. How were they dressed?

16 A. They were dressed as members of the victim's business,
17 part of his crew.

18 MR. SHELVEY: I'm going to play a portion of
19 Government's Exhibit 3A.

20 Q. First, as we begin this, can you describe what's
21 depicted on Government's Exhibit 3A?

22 A. Yes. This is a -- this depicts a picture of the victim
23 -- Victim One's property and his work truck at the site.

24 Q. What device is this recording from?

25 A. This is being recorded from a handheld device that was

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1 in the construction trailer at the top of the hill.

2 Q. Who was making this recording?

3 A. Law enforcement was making the recording.

4 Q. Are these the members of law enforcement that Mr.
5 Santaniello encountered in the --

6 A. Yes, that's correct.

7 MR. SHELVEY: Would you play this, please?

8 (Recording played and stopped.)

9 MR. SHELVEY: I apologize, Your Honor. For the
10 record, we're going to start this at 2 minutes -- excuse me
11 -- at 1, 30 and end at 2, 44.

12 THE COURT: And is this Exhibit 3A?

13 MR. SHELVEY: Yes, Your Honor.

14 THE COURT: Thank you.

15 (Recording played and stopped.)

16 BY MS. SHELVEY:

17 Q. Sir, who's pulling up in that car right now?

18 A. That is Ralph Santaniello's car. He just exited the
19 driver's seat. He's wearing the black Puma sweat outfit --
20 sweatshirt, hoody.

21 Next to him on the left side is John Calabrese. He's
22 also wearing a black hooded sweatshirt, as well.

23 Q. And is that the same outfit that John Calabrese was
24 wearing previously when he came to collect the \$5,000
25 initially?

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1 A. I don't believe so.

2 Q. What was he wearing when he collected the \$5,000
3 initially?

4 A. Initially when he showed up, John Calabrese was wearing
5 his work shirt, Braman Chemical work shirt with his name
6 "John" on the chest.

7 Q. And what was he driving?

8 A. John Calabrese was driving a Braman Chemical truck, the
9 vehicle that he used with Victim One and Victim Two.

10 Q. And as he came back on October 9th of 2013 with
11 Defendant Santaniello, was he driving that vehicle?

12 A. Yes.

13 Q. Was he driving the work truck?

14 A. Yes. John Calabrese was driving the work truck.

15 MR. SHELVEY: If you could press play, please?

16 (Recording played and stopped.)

17 MR. SHELVEY: Can you pause for a moment?

18 Q. Where was Mr. Santaniello pointing to?

19 A. Mr. Santaniello at that point he was pointing to the
20 construction trailer that was set up on the hill a ways
21 away.

22 Q. And as he started walking in that direction, can you
23 tell Her Honor what's going on right now?

24 A. Yes. Members of law enforcement at that time are
25 trying to cover up the recording camera pretty quickly.

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1 (Recording played and stopped.)

2 MR. SHELVEY: If we can stop for a moment there?

3 Q. The individuals that are speaking Spanish, who are
4 they?

5 A. They are the law enforcement officers. They're in the
6 trailer.

7 Q. Where were they concealed within the trailer once Mr.
8 Santaniello came and approached?

9 A. They were concealed in the center part of the trailer.

10 Q. Was one individual in the bathroom?

11 A. Yes. One was.

12 Q. Did Mr. Santaniello make any attempts to see if anyone
13 was in the bathroom?

14 A. No, I don't believe so.

15 MR. SHELVEY: If you can go further?

16 (Recording played and stopped.)

17 Q. What happened after Mr. Santaniello left the trailer?

18 A. As soon as Mr. Santaniello left the trailer, they were
19 pulling the camera back out to set it up to try to capture
20 the meeting.

21 Q. Were there issues then for the recording because of the
22 audio?

23 A. Yes. While they reset up the camera, they apparently
24 forgot to turn the audio on on the camera at that time.

25 Q. Now, I'm going to show you Government's Exhibit 3B, and

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1 what is that?

2 A. Yes. This is a recording with Device No. 1, October
3 9th of 2013, Exhibit 3B.

4 Q. Is this the incident but just from another recording
5 device?

6 A. Yes, that's correct.

7 MR. SHELVEY: For the record, we're going to begin
8 this at 8 minutes and 2 seconds and end at 11, 25.

9 (Recording played and stopped.)

10 MR. SHELVEY: Can you stop there?

11 Q. I want to just identify some of the voices. The last
12 comment we heard was someone saying "You've got to stop
13 F-ing around." Who was the individual that said that?

14 A. That was John Calabrese.

15 Q. And the other individual that made the comments first,
16 "Okay. Listen to me. I'm going to apologize for what
17 happened. Right?" Who was that?

18 A. That was Ralph Santaniello.

19 Q. What was he apologizing for?

20 A. He was apologizing for slapping him on the initial --

21 THE COURT: Yeah --

22 MR. KELLY: Objection.

23 THE COURT: Yeah, strike that. That's
24 speculative.

25 MR. SHELVEY: Can I have a moment, Your Honor?

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1 THE COURT: Yes.

2 Q. Sir, in listening to this whole tape, and there was
3 just obviously an objection about speculative, did you have
4 an opportunity to listen to this whole conversation?

5 A. Yes, I have.

6 Q. And what did the conversation revolve around?

7 A. The conversation revolved around the Victim No. 1 not
8 paying the amount that he agreed to pay.

9 The other part of that was the concern that there was
10 somebody -- namely, law enforcement -- that was there on the
11 property, and that possibly Victim One was recording what
12 was happening.

13 Q. And as it relates to --

14 ATTORNEY: I'm sorry. I'm going to cut you off.

15 Your Honor, I'm going to object to that last part
16 about law enforcement potentially being there. Again, I
17 didn't hear that at all.

18 THE COURT: I heard references to a rat.

19 MR. SHELVEY: Your Honor, if counsel wants to play
20 -- we're going to get to this in just a moment. As an offer
21 of proof, the beginning of it -- and that was the next
22 exhibit I guess. We're going to show you exhibit -- perhaps
23 that there resolve things.

24 Q. Sir, I'm going to show you Exhibit No. 4 and ask you if
25 you recognize that?

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1 THE COURT: Yeah.

2 Q. Sir, can you describe what's being depicted in Exhibit
3 No. 4?

4 A. Yes.

5 THE COURT: Have we -- okay. We can't publish
6 until it's admitted. We can't show it to everybody. So
7 let's ask him if he can recognize it, lay the foundation of
8 its admissibility, and then we can put it up.

9 Q. I'm going to show you Government's Exhibit 4. Do you
10 recognize that?

11 A. Yes, I do.

12 Q. And what do you recognize that to be?

13 A. This is a surveillance photograph of October 9, 2013,
14 depicting Ralph Santaniello's car, Victim No. 1 with his
15 shirt open, Ralph Santaniello standing directly in front of
16 him, and John Calabrese in the black hooded sweatshirt
17 standing directly behind Ralph Santaniello.

18 THE COURT: All right. So we're going to admit
19 that as Exhibit 4?

20 MR. SHELVEY: Yes, Your Honor.

21 THE COURT: Yep.

22 GOVERNMENT EXHIBIT NO. 4, ADMITTED

23 BY MS. SHELVEY:

24 Q. Are you able to identify who these individuals are as
25 it relates to this investigation?

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1 A. Yes, I was.

2 Q. And who are the individuals? Who are they depicted?

3 A. Again, the individual closest to us in the open shirt,
4 it's a plaid shirt, is Victim No. 1 with his back toward us.
5 Directly in front of him in dark-colored clothing is Ralph
6 Santaniello. Behind him in the background is -- facing us
7 is John Calabrese who's wearing a black hooded sweatshirt.

8 Q. And in these videos are you able to hear what is going
9 on as we get into this photograph?

10 A. Yes, we are.

11 Q. In Exhibit 3B.

12 (Recording played and stopped.)

13 MR. SHELVEY: Can you stop it there?

14 Q. What's happening in that when Victim No. 1 says, "I'm
15 not going, Ralph. We're good here"?

16 A. At that time Ralph Santaniello is trying to draw him
17 away from the trailer, away from where he just went up to
18 the hill. John Calabrese is on the side there in the black
19 hooded sweatshirt. He's identified. Mr. Santaniello is
20 identified by Victim No. 1. Victim No. 1 at some point
21 says, "This is far enough." Victim One appeared afraid for
22 his safety that he was trying to be drawn down into the
23 wooded area on property.

24 Q. And as it relates to Mr. Santaniello, did he request
25 Victim One do anything with his cell phone?

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1 A. Yes.

2 Q. And what was that?

3 A. He asked him if he had a cell phone and to leave the
4 cell phone away from where they were meeting.

5 MR. SHELVEY: If we can play that portion, please?

6 (Recording played.)

7 MR. SHELVEY: You can just play it through.

8 Q. Is this the other angle from what we just saw in
9 Government's Exhibit 3A?

10 A. Yes, it is.

11 Q. Who is with Victim One while Mr. Santaniello goes up to
12 the shed?

13 A. John Calabrese.

14 MR. SHELVEY: Please stop right there.

15 (Recording stopped.)

16 Q. And is that the conversation you just made reference
17 to? Who says, "Come on. Let's take a walk"?

18 A. That's Ralph Santaniello.

19 Q. And who asked, "Do you have your phone on you"?

20 A. That's also Ralph Santaniello.

21 MR. SHELVEY: Continue playing.

22 (Recording played and stopped)

23 MR. SHELVEY: If we can stop right there?

24 Q. Who says, "Do you have anything on you?"

25 A. Ralph Santaniello.

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1 Q. And what happens after that?

2 A. At that time he ripped his shirt open to check him for
3 a recording device or a wire.

4 MR. SHELVEY: You can continue, please.

5 (Recording played and stopped)

6 MR. SHELVEY: If you can stop.

7 Q. And going back to the initial clip that we played prior
8 to counsel's objection, who made the comment, "I'm going to
9 be nice before I blow up again, and I don't want to do
10 that"?

11 A. That was Ralph Santaniello.

12 MR. SHELVEY: Your Honor, I'd move to admit
13 Government's Exhibits 2A, B, and C and 3A, B and C.

14 THE COURT: C is the transcripts; is that correct?
15 I'm certainly going to admit the disks. I'm going to take
16 the transcripts subject to --

17 At least there's an objection to 2C. I haven't
18 heard an objection to 3C, so I'll admit 3C.

19 I'm going to take 2C subject to review of whether
20 or not it appears to me that it accurately reflects the
21 contents of the disks, but I'm going to rely primarily on
22 the disks.

23 MR. SHELVEY: Thank you, Your Honor.

24 GOVERNMENT EXHIBIT NOS. 2A, 2B, 2C, 3A, 3B, 3C,

25 ADMITTED

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1 BY MS. SHELVEY:

2 Q. Sir, I want to direct your attention now to October
3 16th of 2013.

4 Was that a payment or discussion?

5 A. That meeting was a discussion.

6 Q. And who was the discussion between?

7 A. The discussion was between Frank Depergola and Victim
8 No. 1.

9 Q. And where did the discussion between Frank Depergola
10 and Victim No. 1 take place?

11 A. The conversation took place in front of Frank
12 Depergola's residence, which is 32 Winthrop Street,
13 Springfield.

14 Q. I'm going to show you what's been marked as
15 Government's Exhibit 5A and 5B.

16 Do you recognize those exhibits?

17 A. Yes, I do.

18 Q. What do you recognize those to be?

19 A. Exhibit 5A is a DVD copy from the law enforcement file
20 of a recording completed. Exhibit 5B is going to be a copy
21 of the transcript from that recording.

22 Q. What device was being utilized for Exhibit 5A?

23 A. The device being used on October 16, 2001, was device
24 No. 2.

25 Q. Is that different than the previous device?

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1 A. Yes, correct.

2 Q. What was the purpose of this discussion between Victim
3 No. 1 and Frank Depergola?

4 A. The discussion was again to discuss the street tax that
5 Victim No. 1 was supposed to pay.

6 Q. And prior to Victim No. 1 meeting with Frank Depergola,
7 based on conversations with law enforcement and Victim No.
8 1, who was supposed to be attending that meeting?

9 A. It was just supposed to be Victim No. 1 and Frank
10 Depergola.

11 Q. And at some point in time did other individuals join
12 the discussion?

13 A. Yes. Later during the meeting Ralph Santaniello and
14 John Calabrese showed up for the meeting.

15 Q. Did that surprise law enforcement?

16 A. Yes, it did.

17 Q. Did that surprise Victim No. 1?

18 A. Certainly.

19 MR. SHELVEY: Again, for the record if we can play
20 starting at 7 minutes and ending at about 7, 45, please, a
21 portion of this.

22 THE COURT: Yeah, I'm going to admit this as an
23 exhibit before we play it.

24 MR. SHELVEY: Thank you, Your Honor.

25 THE COURT: So.

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1 GOVERNMENT EXHIBIT NO. 5A, MARKED

2 (Recording played and stopped.)

3 MS. SHELVEY: I want to stop there.

4 BY MS. SHELVEY:

5 Q. Just for reference, who is the individual first that's
6 depicted the lower half of the body?

7 A. That person is Frank Depergola.

8 Q. And that's the individual that was speaking just now?

9 A. Yes, that's correct.

10 Q. Thank you.

11 (Recording played and stopped.)

12 MR. SHELVEY: Please stop there for a moment.

13 Q. Now, who is that voice that was speaking?

14 A. That was Ralph Santaniello.

15 Q. And who made the comment, "See, when you talk like
16 that, you're going to get your F-ing head cracked"?

17 A. That's Ralph Santaniello.

18 Q. And what was that comment in relation to?

19 A. That's in relation to Victim No. 1 not giving him a
20 number and confirming the amount he's going to pay him in
21 street tax.

22 Q. Was Victim No. 1 disagreeing with the fact that he
23 agreed to these payments?

24 A. Yes.

25 MR. SHELVEY: We can continue playing, please.

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1 (Recording played and stopped.)

2 MR. SHELVEY: I want to stop there.

3 Q. Who's that individual?

4 MR. SHELVEY: Or if we can back up?

5 (Recording played.)

6 A. That is John Calabrese.

7 (Recording stopped.)

8 MR. SHELVEY: Yes. Thank you. Continue, please.

9 (Recording played and stopped.)

10 MR. SHELVEY: I want to stop here.

11 Q. What are they discussing at this point in time?

12 A. They're talking about the street tax.

13 Q. And as it relates to getting what types of things for
14 Victim No. 1?

15 A. Contracts.

16 Q. Thank you.

17 MR. SHELVEY: Your Honor, again, I would move to
18 admit Government's Exhibit 5B which is the transcript
19 subject to your --

20 THE COURT: Yeah. Is there an objection from any
21 of the defendants to the admission of 5B, which is
22 apparently a transcript of 5A?

23 ATTORNEY: Just to the extent that it doesn't
24 match up, Your Honor. I don't mean to play the entire
25 thing, but I'd leave it to the Court's --

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1 THE COURT: Yeah, so again, I won't rely -- I'm
2 going to rely primarily on the DVD. If I don't hear it on
3 the DVD, I'm not going to rely on the portion of the
4 transcript that you -- you know, that I can't match up to
5 the DVD.

6 MR. SHELVEY: Thank you.

7 GOVERNMENT EXHIBIT NO. 5B, ADMITTED

8 BY MS. SHELVEY:

9 Q. Sir, I'm going to direct your attention to October 22nd
10 of 2013. Was there a discussion between Victim No. 1 and
11 Frank Depergola?

12 A. Yes, there was.

13 Q. Where did that conversation take place?

14 A. That took place at Frank Depergola's business, an auto
15 sales place.

16 MR. SHELVEY: I apologize, Your Honor. I have not
17 been asking for permission to approach. May I approach?

18 THE COURT: Yes. Yes, please.

19 Q. I show you Government's Exhibit 6 and ask you if you
20 recognize that?

21 A. Yes, I do.

22 Q. What do you recognize that to be?

23 A. That is a DVD of the recording done on October 22,
24 2013. It's copy from the official law enforcement file.

25 Q. And what device is that?

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1 A. That is Device No. 2.

2 THE COURT: And are you moving for its admission
3 on that basis?

4 MR. SHELVEY: Yes, I am.

5 THE COURT: All right. It will be admitted.

6 GOVERNMENT EXHIBIT NO. 6, ADMITTED

7 BY MS. SHELVEY:

8 Q. Where did this discussion take place between Frank
9 Depergola and Victim No. 1?

10 A. At Frank Depergola's business.

11 Q. And what was the purpose of the meeting between Frank
12 Depergola and Victim No. 1?

13 A. The purpose is for the Victim No. 1 to find out what's
14 going to happen if I don't pay.

15 MR. SHELVEY: And for the record, we can just play
16 a small portion starting at 21 minutes and 58 seconds and
17 ending at 22 minutes and 4 seconds.

18 (Recording played and stopped.)

19 MR. SHELVEY: We can stop it.

20 Q. And during this discussion who are "they" when they're
21 making reference to "they"?

22 A. They're referring to Ralph Santaniello and John
23 Calabrese.

24 Q. Was Mr. Depergola encouraging Victim One to make and
25 continue to make payments to those individuals?

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1 A. Yes, he was.

2 THE COURT: Mr. O'Connor?

3 MR. O'CONNOR: Yes, objection. (Inaudible) was
4 Mr. Depergola was doing.

5 THE COURT: Okay. Again, I'm going to rely on the
6 contents of the DVD.

7 MR. SHELVEY: Thank you, Your Honor.

8 THE COURT: And I'm going to sustain that
9 objection.

10 MR. SHELVEY: That's fine, Your Honor. It speaks
11 for itself.

12 BY MS. SHELVEY:

13 Q. And now, sir, I want to direct your attention to
14 November 20th of 2013.

15 In between October 22 and November of 2013, was an
16 agreement reached between Victim One and Defendants
17 Calabrese, Santaniello, and Depergola to a final payment
18 arrangement?

19 A. Yes, there was.

20 Q. Would you describe a little bit about what that was?

21 A. The overall payment was \$20,000. There was an
22 agreement for him to pay 3,000 and then a subsequent payment
23 of 10,000.

24 Q. And how did that arrangement come about?

25 A. Through the meetings with Frank Depergola and Ralph

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1 Santaniello and John Calabrese.

2 Q. And once they reached a final payment of \$20,000, what
3 would happen to the street tax that Victim One would be
4 required to pay?

5 A. They said there would be no more payments. That would
6 be the full amount he would ever have to pay.

7 Q. I'm going to show you what's been marked as
8 Government's Exhibit 7A and 7B, and ask you if you recognize
9 that?

10 A. Yes, I do. Exhibit 7A is a DVD copy from the law
11 enforcement file, Device No. 1. 7B is the transcript for
12 that same date.

13 Q. And what was the discussion on this November 20th of
14 2013? What was the content of that discussion?

15 A. The meeting with Victim One. The purpose of the
16 meeting was for Victim One to make a payment, which he did,
17 to Frank Depergola in the amount of \$3,000.

18 MR. SHELVEY: Your Honor, I'd move to admit 7A and
19 7B.

20 THE COURT: Is there any objection to the
21 admission of 7A or 7B? Again, 7B I'm going to admit
22 conditionally to the extent that the transcript appears to
23 me to comply with the contents of the disk.

24 GOVERNMENT EXHIBIT NO. 7A & 7B, ADMITTED

25 BY MS. SHELVEY:

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1 Q. After the last payment of \$10,000 was arranged, where
2 did that payment occur?

3 A. That payment occurred at Frank Depergola's auto shop.

4 Q. Who was present at Mr. Depergola's auto shop at the
5 time this last payment occurred?

6 A. That was Frank Depergola, Ralph Santaniello, and John
7 Calabrese, and Victim One.

8 Q. How was the \$10,000 payment made?

9 A. In cash.

10 Q. Who actually collected the money?

11 A. I don't recall.

12 Q. Now, during the meetings at Mr. Depergola's business,
13 was there any types of weapons observed that caused law
14 enforcement some concern?

15 A. Yes. There was a video in the corner of the office
16 room where there was what appeared to be what we believed to
17 be a rifle or a shotgun, but that was never verified.

18 THE COURT: I'm sorry. There was a video?

19 MR. SHELVEY: I can follow up on that, Your Honor.

20 THE COURT: All right.

21 Q. When you say a video, how did you come to be in
22 possession of the video seeing what appeared to be
23 consistent with some type of long gun?

24 A. That was provided by the victim who was outfitted with
25 a recorder and video equipment.

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1 Q. When Victim No. 1 went to meet with Mr. Depergola to
2 make a payment, is that when he observed the firearm?

3 A. Yes.

4 Q. Or what appeared to be a firearm?

5 A. That's correct.

6 Q. When you say what appeared to, was any effort ever made
7 to go to Mr. Depergola's business to locate that gun?

8 A. No, it wasn't.

9 Q. Why not?

10 A. We weren't able to verify it was a working firearm, and
11 also believed that it would jeopardize the entire
12 investigation to do a search warrant at that time.

13 Q. I want to move forward to the spring of 2015.

14 Did you have an opportunity in or about July 2015 to
15 come in contact with another individual identified as Victim
16 No. 2?

17 A. Yes, I did.

18 Q. Can you describe how you came in contact with Victim
19 No. 2?

20 A. Victim No. 2 initially came to the Massachusetts State
21 Police Special Services Section to make a complaint that he
22 was being extorted by members of organized crime,
23 specifically the Genovese crime family.

24 Q. And did he explain to you a little bit about how he
25 came to be in contact with these individuals?

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1 A. Yes, he did.

2 Q. And how did he come to be in contact with these
3 individuals?

4 A. Victim No. 2 explained that he had a long history with
5 Gerald Daniele, had grown up with him and gone to school
6 with him.

7 Q. And the individual he identified as Gerald Daniele, do
8 you see him here in court today?

9 A. Yes, I do.

10 Q. Would you please identify him for the record?

11 A. Yes. He's in the jury box. He is the fifth person
12 from the left.

13 MR. SHELVEY: Your Honor, may the record reflect
14 identification of Gerald Daniele?

15 THE COURT: Yes.

16 Q. Can you describe a little bit about the relationship
17 between Victim No. 2 and Gerald Daniele, their history or
18 how they knew each other?

19 A. Yes. They grew up together, they went to school
20 together, they've known each other for quite a long time.

21 MR. ENTIN: Judge, I'm going to object to his
22 narrative. I would ask that he --

23 THE COURT: This is what the --

24 MR. ENTIN: What the alleged victim to say --

25 THE COURT: Said.

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1 MR. ENTIN: To him did.

2 THE COURT: About --

3 MR. KELLY: Rather than his summation of what he
4 believes.

5 THE COURT: Yeah. To the extent that you recall,
6 what did Victim No. 2, the person we're referring to as
7 Victim No. 2, tell law enforcement about his relationship
8 with Mr. Daniele.

9 THE WITNESS: He said he grew up with him and he
10 went to school with him.

11 BY MS. SHELVEY:

12 Q. Did he provide any specific instances where he was
13 present with Mr. Daniele when criminal acts occurred?

14 A. Yes, he did.

15 Q. And just as we're relaying these, these are all
16 recitations that Victim No. 2 told you?

17 A. Yes, exactly.

18 Q. Was there an incident that Victim No. 2 and Mr. Daniele
19 were arrested together?

20 A. Yes.

21 Q. Can you explain a little bit about that to the Court?

22 A. Yes. Mr. Daniele and Victim No. 2 traveled to
23 California --

24 MR. ENTIN: Again, Your Honor, I would object. Is
25 this based solely on what he told him or a collection of

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1 information that he has?

2 THE COURT: That my understanding is -- and you
3 can correct me if I'm wrong. My understanding is that the
4 agent is testifying to what Victim No. 2 told him about what
5 he and Mr. Daniele did.

6 MR. ENTIN: Thank you.

7 THE COURT: Correct?

8 THE WITNESS: Yes, Your Honor. This is what
9 Victim No. 2 told investigators.

10 THE COURT: Right. Proceed.

11 A. Mr. Daniele and Victim No. 2 traveled to California.
12 At some point during that trip they had ordered a couple --
13 two prostitutes. Two prostitutes were in the room at some
14 point during their meeting. They saw a large bundle of cash
15 on the bedside table.

16 BY MS. SHELVEY:

17 Q. I want to stop. Who did Victim No. 2 identify that
18 that large amount of cash belonged to?

19 A. It belonged to Gerald Daniele.

20 Q. Was there a third individual --

21 Did Victim No. 2 tell that you there was a third
22 individual in the room?

23 A. Yes, there was.

24 Q. And so the prostitutes were for the third individual
25 and Mr. Daniele?

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1 A. Yes, correct.

2 MR. ENTIN: Your Honor, can we get a time date
3 when this is alleged to have taken place?

4 BY MS. SHELVEY:

5 Q. Approximately when did this take place?

6 A. I don't recall the exact date. I believe 2007 or
7 thereabouts.

8 Q. Would looking at Mr. Daniele's criminal history help
9 you --

10 A. Yes, it would.

11 MR. SHELVEY: Can I just have a moment, Your
12 Honor? May I approach?

13 THE COURT: Yes.

14 Q. Sir, looking at that, does that refresh your
15 recollection as to the time frame we're talking about?

16 A. Yes, it does.

17 Q. And when did this incident occur?

18 A. It was October 2009.

19 Q. Do you remember what day?

20 A. 27th.

21 Q. Thank you.

22 Now, on October 27th of 2009 Mr. Daniele was with
23 Victim No. 2 and another individual?

24 A. Yes.

25 Q. And if you can just from that point explain what had

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1 occurred?

2 A. Yes. As I said, they had ordered two prostitutes to
3 the room. One of the prostitutes had seen a large wad of
4 cash on the nightstand, and that was identified to be Mr.
5 Daniele's money. The prostitutes grabbed the money,
6 departed the room quickly. They were followed out by Mr.
7 Daniele and Victim Two and the other individual.

8 Outside the room there were two other males, unknown
9 males, that were associates of the prostitutes. At some
10 time later Mr. Daniele and Victim No. 2 and the other
11 individual approached these two males, beat them up and
12 recovered Mr. Daniele's money.

13 After that the law enforcement was contacted. They
14 were called. Mr. Daniele and the other subjects were
15 arrested for robbery in California.

16 Q. Now, as it relates to the actual assault between Mr.
17 Daniele and one of these individuals, did Victim No. 2
18 describe to you what he observed Mr. Daniele do?

19 A. Yes. He said he just snapped. He said he -- at the
20 flip of a switch. He said he was very violent during that
21 fight. He said he just kept beating the man.

22 Q. Did Victim No. 2 recount to law enforcement that even
23 after the money was recovered, Mr. Daniele continued to beat
24 that individual?

25 A. Yes, he did.

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1 Q. And as a result of that individual -- as a result of
2 that incident, both individuals were arrested?

3 A. Yes, they were.

4 Q. And ultimately did they plea to a lesser charge?

5 A. Yes, they did.

6 THE COURT: I'm sorry. When you say "both
7 individuals," do you mean Mr. Daniele and Victim Two?

8 MR. SHELVEY: Yes.

9 THE WITNESS: Yes.

10 THE COURT: Thank you.

11 BY MS. SHELVEY:

12 Q. Did Mr. Daniele relate to you another incident --
13 excuse me.

14 Did Victim Two relate to you another incident that he
15 was involved with with Mr. Daniele?

16 A. Yes, he did.

17 Q. And again, do you recall or did Victim Two tell you
18 about when this incident occurred?

19 A. Yes. It occurred in 2007.

20 Q. And what was that incident?

21 A. During that incident Victim Two was present. Mr.
22 Daniele went to his ex-girlfriend's residence with a pool
23 cue and baseball bat, entered the residence where his
24 ex-girlfriend was with an --

25 MR. ENTIN: I'm going to object to relevancy.

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1 THE COURT: Well, the question is dangerousness.

2 MR. ENTIN: I understand, Your Honor.

3 THE COURT: The question is dangerous to the
4 community or an individual, and I do think that this --

5 In my view it is relevant. I'm going to overrule
6 the objection on grounds of relevance.

7 MR. ENTIN: With all due respect, I know hearsay's
8 admitted, but he's just reciting what somebody told him --

9 THE COURT: Right.

10 MR. ENTIN: -- in 2007.

11 THE COURT: Right.

12 MR. ENTIN: I will not be able to cross examine,
13 and I don't think --

14 THE COURT: But this is a dangerousness hearing,
15 and hearsay is admissible. And so I'm going to overrule the
16 objection, and I am going -- I do deem it relevant, and I am
17 going to hear it.

18 MR. SHELVEY: Your Honor, along those lines --

19 Q. Did you have an opportunity to review Mr. Daniele's
20 criminal record?

21 A. Yes, I did.

22 Q. And as it relates to these restraining orders, were you
23 able -- or was law enforcement request made to obtain
24 certified copies of the restraining order against Mr.
25 Daniele?

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1 A. Yes.

2 Q. Approximately how many restraining orders were issued
3 against Mr. Daniele?

4 A. More than half a dozen.

5 Q. And did they all include the same victim?

6 A. No. Multiple victims.

7 MR. SHELVEY: Your Honor, copies have been
8 provided to counsel, but at this time I would move to admit
9 Government's Exhibit A, B, C, D, E and F.

10 THE COURT: Are these documents that have to be
11 sealed? Are these -- no, all right.

12 MR. SHELVEY: No, Your Honor. These were public
13 records in the district court.

14 THE COURT: They're public records, okay.

15 Is there any objection to their admission?

16 MR. ENTIN: No. I've reviewed them, Your Honor.
17 They're certified documents.

18 THE COURT: Thank you.

19 GOVERNMENT EXHIBIT NO. 8A-8F, MARKED & ADMITTED

20 BY MS. SHELVEY:

21 Q. Going back to Victim Two and Mr. Daniele --

22 THE COURT: Did we admit those documents as
23 exhibits?

24 MR. SHELVEY: I believe so.

25 THE COURT: Okay. And did we number them 8 -- how

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1 many are there?

2 MR. SHELVEY: A through F..

3 THE COURT: 8A through F.

4 MR. SHELVEY: A, B, C, D, E --

5 THE COURT: I just want to make sure that Ms.

6 Calderon has -- okay. All right.

7 MR. SHELVEY: Thank you.

8 THE COURT: Thank you.

9 BY MS. SHELVEY:

10 Q. Now, aside from criminal involvement with Mr. Daniele,

11 did Victim No. 2 engage in other activities with him?

12 A. Yes, he did.

13 Q. Can you describe a little bit about that?

14 A. He engaged in gambling and loan sharking.

15 Q. How do you know he engaged in gambling with Mr.

16 Daniele?

17 A. Because Mr. Daniele runs an offshore gambling site.

18 Q. How are you able to ascertain that Mr. Daniele runs an

19 offshore gambling site?

20 A. That was told to Victim No. 2 by -- through John

21 Calabrese.

22 Q. Did Victim No. 2 provide law enforcement with his

23 identification and pass code to his gambling site that's run

24 by Mr. Daniele?

25 A. Yes, he did.

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1 MR. SHELVEY: Can I just have a moment, Your
2 Honor?

3 Q. When Victim No. 2 came to law enforcement, did he
4 provide information about his history?

5 A. Yes, he did.

6 Q. Did he indicate whether or not he had any addiction
7 issues?

8 A. Yes, he did.

9 Q. What types of addictions did Victim No. 2?

10 A. He had drug and alcohol addictions.

11 Q. And did Victim No. 2 express to law enforcement he was
12 involved in gambling, as well?

13 A. Yes, he did.

14 Q. Did he explain to you how long he had been gambling
15 with Mr. Daniele?

16 A. I don't recall.

17 Q. I want to talk about the spring of 2015.

18 Did Victim No. 2 explain to law enforcement about a
19 loan that he took from Mr. Daniele?

20 A. Yes, he did, in the amount of \$1,000.

21 Q. Can you explain a little bit about that?

22 A. The loan that he received from Mr. Daniele in the
23 amount of \$1,000 was attached to that was he was told he
24 would have to pay points. And in this case it was 4 points,
25 which means he would pay \$40 per week on that loan, and that

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1 is just the interest or the *juice* for that loan.

2 Q. And as part of accepting this loan from Mr. Daniele,
3 did he have to pay that \$40 a week no matter what?

4 A. Yes, no matter what.

5 Q. What would happen if he did not pay that \$40 to Mr.
6 Daniele a week?

7 A. Victim No. 2, knowing that Mr. Daniele was violent,
8 feared for his safety; that if he didn't pay the loan, that
9 he would get beaten up by Mr. Daniele.

10 Q. At the time he took the thousand dollar loan from Mr.
11 Daniele, where did that transaction occur?

12 A. I don't recall.

13 Q. Was there anyone with Mr. Daniele when the thousand
14 dollar loan was given to Victim Two?

15 A. Yes. Ralph Santaniello.

16 Q. Did Victim Two begin making those \$40 *juice* payments
17 per week as he was required?

18 A. Yes, he did.

19 Q. And was he also gambling with Mr. Daniele at that time?

20 A. Yes, he was.

21 Q. And in or around a few weeks later, so maybe May or
22 June of 2015, did he run into some issues in terms of losses
23 in gambling?

24 A. Yes, he did.

25 Q. And how much money did he owe Mr. Daniele as it related

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1 to the gambling?

2 A. At that time he owed Mr. Daniele a total of \$3700.

3 Q. And where did the other \$2700 come from?

4 A. \$2700 came from gambling loss. The \$1,000 was from the
5 original personal loan.

6 Q. Did a discussion happen between Mr. Daniele and Victim
7 No. 2 to renegotiate the terms of his initial \$1,000 loan?

8 A. Yes, it did.

9 Q. And what was the outcome of that discussion?

10 A. The outcome was the agreement was that Victim No. 2
11 would pay Mr. Daniele \$100 a week or \$200 every other week
12 for repayment of his loan and his gambling debt.

13 Q. And so the total --

14 And that \$100, would that be principal and interest, or
15 how was that supposed to break down?

16 A. That was *juice* only or interest only.

17 Q. So it was \$100 a week, interest only?

18 A. Interest only. That did not come off the total amount
19 owed.

20 Q. Now, did Victim No. 2 pay Mr. Daniele with those new
21 terms?

22 A. Yes, he did.

23 Q. Did he eventually run into problems?

24 A. Yes, he did.

25 Q. Did he stop paying Mr. Daniele?

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1 A. Yes, he did.

2 Q. Where was Victim Two working at the time that he was
3 gambling with Mr. Daniele?

4 A. Victim No. 2 was working at a rehabilitation center.

5 Q. What type of facility was this?

6 A. It was a drug rehabilitation center.

7 Q. And at this point in time was Victim No. 2 sober?

8 A. Yes, he was.

9 Q. In the process of working through --

10 MR. ENTIN: Objection. Speculation if he's sober
11 on any given day unless he can verify that.

12 Q. Did you have specific discussions with Victim No. 2
13 about his sobriety?

14 A. Yes, we did.

15 Q. And did Victim No. 2 tell you about his sobriety?

16 A. Yes, victim No. 2 did.

17 Q. And in 2015 when this was going on, what did Victim No.
18 2 tell you about his sobriety?

19 A. Victim No. 2 said that he had been involved in -- and
20 had gone meetings for Alcoholics Anonymous, Narcotics
21 Anonymous, and also became a counselor for a rehabilitation
22 services.

23 Q. Did Victim No. 2 tell you who he attended Alcoholics
24 Anonymous with?

25 A. Yes, he did.

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1 Q. And who was that?

2 A. He said he attended those meetings with John Calabrese.

3 Q. And throughout this process did you have discussions
4 with Victim No. 2 about his sobriety?

5 A. Yes, we did.

6 Q. And at any time from the beginning of this
7 investigation in 2015 to --

8 When did you last see Victim No. 2?

9 A. Victim No. 2 within the last month.

10 Q. Did he explain to you anything about his sobriety?

11 A. Yes. Victim Two whenever we met him appeared not to be
12 under the influence of drugs or alcohol.

13 Q. Did he specifically reach certain marks or talk about
14 reaching certain marks within the AA program?

15 A. I don't recall specifically what mark he reached. He
16 did appear sober and drug free.

17 Q. Now, going back to his failure to pay Mr. Daniele, can
18 you describe an incident that occurred that caused Victim
19 No. 2 concern?

20 A. Yes. The incident was Mr. Daniele, when the Victim No.
21 2 could no longer afford to pay Mr. Daniele, Mr. Daniele
22 visited the rehabilitation center which is a locked
23 facility, made entry into that facility --

24 Q. I want to stop.

25 When you said "made entry," was he invited by Victim

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1 No. 2 into the facility?

2 A. No, he wasn't.

3 Q. When did Victim No. 2 become aware that Mr. Daniele was
4 in the facility?

5 A. He became aware when Mr. Daniele approached him.

6 Victim No. 2 was also contacted by his boss and
7 contacted by other members who worked in the rehabilitation
8 center.

9 Q. Where did Mr. Daniele approach Victim No. 2?

10 A. Inside the rehabilitation center.

11 Q. In a locked secured area?

12 A. Yes, that's correct.

13 Q. And did Victim No. 2 relay to you, and what did Victim
14 No. 2 tell you about Mr. Daniele's demeanor at that time?

15 A. Victim No. 2 said that Mr. Daniele was very angry, very
16 angry that he hadn't made any payments. He had caused a
17 disturbance at the rehabilitation center. He thought that
18 he was --

19 He was in fear for his life. He thought Mr. Daniele
20 was going to do some kind of violence to him at that point.

21 Q. Did Victim No. 2's boss intervene in that situation at
22 that time?

23 A. Yes.

24 Q. Did Victim No. 2 say something to Mr. Daniele that
25 caused him to leave?

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1 A. Yes, he did.

2 Q. What did he tell him?

3 A. Victim No. 2 told Mr. Daniele that if he ever comes to
4 his place of work again, he was going to call the cops.

5 Q. And what did Victim No. 2 relay Mr. Daniele's reaction
6 was?

7 A. Victim No. 2 stated that Mr. Daniele immediately left
8 the rehabilitation center at that point.

9 Q. Was that the end of any interaction that Victim Two
10 relayed to you between he and Mr. Daniele?

11 A. Yes. That's correct.

12 Q. Was that the end of the moneys owed?

13 A. No, that wasn't.

14 Q. What happened next?

15 A. Victim No. 2 then met with John Calabrese who was an
16 intermediary for Mr. Daniele.

17 MR. ENTIN: Objection.

18 THE COURT: Objection. That he met with Mr.
19 Calabrese. We'll leave it at that.

20 BY MS. SHELVEY:

21 Q. Did Mr. Calabrese --

22 Did Victim No. 2 tell you how John Calabrese introduced
23 him to Victim No. 2 on behalf of Mr. Daniele?

24 MR. ENTIN: Leading, and calls for conclusions
25 that aren't offered.

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1 THE COURT: Yeah. Reframe the question. She can
2 reframe. You can definitely reframe the question.

3 BY MS. SHELVEY:

4 Q. What did Victim No. 2 tell you about his meeting with
5 Mr. Calabrese?

6 A. Victim No. 2 said that -- told law enforcement that he
7 would be paying his debt through -- his debt with Mr.
8 Daniele through John Calabrese.

9 Q. Based on the discussions you had, what was Victim No.
10 2's understanding as to who he was to now pay?

11 A. He was to pay --

12 MR. ENTIN: Objection to his understanding.

13 A. -- John Calabrese.

14 THE COURT: No. I'm going to overrule that.

15 MR. SHELVEY: Thank you, Your Honor.

16 BY MS. SHELVEY:

17 Q. And did Victim No. 2 and Mr. Calabrese enter into a
18 payment plan agreement?

19 A. Yes, they did.

20 Q. And what was that plan?

21 A. That payment agreement was \$200 every other week.

22 Q. Did Victim No. 2 make those payments for a period of
23 time?

24 A. Yes. Victim No. 2 did make those payments.

25 Q. At some point in time did the terms of the loan change?

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1 A. Yes, they did.

2 Q. What did Victim No. 2 tell you about the changing of
3 the loan terms?

4 A. Victim No. 2 said that the amount was just going to be
5 for the interest. The total had been bumped up from 3700 --
6 \$2700 to \$3700 and eventually \$5,000.

7 Q. And once the mention of 5,000 --

8 Who brought up the idea of \$5,000?

9 A. John Calabrese.

10 Q. And what did Mr. Calabrese say was going to happen if
11 Victim Two agreed to the \$5,000 repayment?

12 A. He told him that the debt would be clear if he paid
13 that full amount.

14 Q. Clear meaning no more *juice* payments?

15 A. No more *juice* payments. That the money -- the \$200
16 every other week would come directly off the principal of
17 the loan or the debt.

18 Q. At some point did Victim No. 2 stop making those
19 payments?

20 A. Yes.

21 Q. Was it around that time that Victim No. 2 came to law
22 enforcement?

23 A. Yes, he did.

24 Q. And in your discussion --

25 In law enforcement's discussion with Victim No. 2, did

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1 Victim No. 2 explain why he was coming to law enforcement
2 for assistance?

3 A. Yes, he did.

4 Q. What was the explanation that Victim No. 2 told law
5 enforcement as to why he was coming to them?

6 A. Victim No. 2 not only said he could no longer pay the
7 \$200 every other week because he wasn't currently employed
8 at that time; he also said he feared for the life -- his
9 life and his father's life.

10 Q. Why --

11 A. Feared for his safety.

12 Q. Why was he concerned --

13 Why did he fear for his life and his father's life?

14 A. Well, he feared --

15 THE COURT: Yeah, what did he say about why.

16 Q. What did he say as to why he was in fear for his
17 father's life specifically?

18 A. He said that Gerald Daniele's a violent man, and he had
19 safety concerns.

20 Q. Did law enforcement work with Victim No. 2 to make the
21 payments as arranged?

22 A. Yes, we did.

23 Q. Who would Victim No. 2 make the payments to?

24 A. John Calabrese.

25 Q. As it relates to the collection, where would these

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1 collections take place?

2 A. Most of the collections took place at the Springfield
3 YMCA.

4 Q. During these collections, how would Mr. Calabrese
5 arrive to make the payment -- or to make the collection of
6 the payment?

7 A. Mr. Calabrese would arrive in his Braman Pesticide work
8 truck.

9 Q. Is this the same truck or at least the same company
10 that he used to collect the loans from Victim No. 1?

11 A. Yes, it is.

12 Q. And were these meetings of video -- were they -- was
13 there surveillance done of these meetings?

14 A. Yes, there was.

15 Q. Were they video recorded?

16 A. Not always.

17 Q. Were they audio recorded?

18 A. Yes, they were.

19 Q. Were different devices utilized between Victim One and
20 Victim Two?

21 A. Yes, they were.

22 Q. In or about November of 2015 was a decision made by law
23 enforcement to stop paying Mr. Calabrese?

24 A. Yes.

25 Q. And up until that time had Victim No. 2 expressed

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1 issues making these payments as part of a way to get out of
2 making the payments to them?

3 That was a horrible question. Let me go back.

4 A. Can you repeat the question?

5 Q. Up until that time had there been discussions about
6 Victim No. 2's inability to pay?

7 A. Yes.

8 Q. Did anyone assist Mr. Calabrese in those collections or
9 coming up with ideas?

10 A. Yes.

11 Q. Who was that?

12 A. Ralph Santaniello.

13 Q. On how many occasions was Mr. --

14 MR. KELLY: Objection.

15 THE COURT: Yeah.

16 MR. KELLY: I didn't hear the basis of that, Your
17 Honor.

18 THE COURT: Yeah. Okay. Let's back up a little
19 bit. I think the line of questioning is not entirely clear
20 to me. The notion of a problem. I'm not quite sure where
21 this is coming from, who's saying what and exactly. So
22 let's clarify a little bit. Thanks.

23 BY MS. SHELVEY:

24 Q. How many payments did Victim No. 2 working in concert
25 with law enforcement make on this loan?

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1 A. Victim No. 2 made a total of six payments, each \$200,
2 for a total of \$1200.

3 Q. During all six of those payments were there discussions
4 between Victim Two and individuals about the ability to make
5 -- continue making these payments?

6 A. Yes, there was.

7 Q. What was the nature of those discussions? First as it
8 relates to John Calabrese.

9 A. Can you rephrase the question?

10 Q. As it relates to his discussions, Victim Two's
11 relationship or discussions with John Calabrese about his
12 inability to pay, what types of things would he say?

13 A. John Calabrese would tell him that he has to pay
14 basically no matter what. Victim No. 2 had concerns. His
15 concerns to John Calabrese were that he did not have a
16 steady job at times, and John Calabrese told him you got to
17 -- you have to pay no matter what.

18 Q. Were there two separate occasions where it was not just
19 John Calabrese who came to collect the moneys?

20 A. Yes, there were two occasions.

21 Q. Specifically, I want to direct your attention to an
22 August 24th of 2015 incident.

23 Was Victim No. 2 arranged to make a payment of \$200 to
24 John Calabrese?

25 A. Yes, that's correct.

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1 Q. And where did that incident take place? Was supposed
2 to take place, the payment.

3 A. That payment was supposed to take place at the YMCA in
4 Springfield.

5 Q. Did it change at the last minute?

6 A. Yes, it did.

7 Q. Can you describe that, please?

8 A. John Calabrese had contacted Victim No. 2 via phone and
9 told him to meet him at Bertucci's in Longmeadow,
10 Massachusetts.

11 Q. Was law enforcement then able to reset up and surveil
12 this meeting?

13 A. From a distance, yes.

14 Q. Who did law enforcement and Victim No. 2 believe based
15 on the conversation was going to be there?

16 A. We believed that it was going to be Victim No. 2 and
17 John Calabrese.

18 Q. When Victim No. 2 arrived at Bertucci's, was Mr.
19 Calabrese there?

20 A. Yes, he was.

21 Q. Was anybody else there with him?

22 A. Yes. Ralph Santaniello was present, as well.

23 Q. Did that surprise law enforcement?

24 A. Yes, it did.

25 Q. During that discussion was there some issues raised

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1 about Victim No. 2's inability to continue making payments?

2 A. Yes.

3 Q. Can you describe a little bit about that interaction,
4 please?

5 A. Victim No. 2 told them that he no longer had the money
6 to make payments to them.

7 Q. And what was reaction of John Calabrese and Ralph
8 Santaniello?

9 A. The same reaction they had in prior meetings; whether
10 he was employed or not, that he still had to make payments.

11 Q. Was there discussions about alternative methods or ways
12 to make money?

13 A. Yes, there was.

14 Q. And what were those?

15 A. They stated that he could sell narcotics to make money
16 to repay his debt. Another --

17 Q. I want to stop.

18 Who suggested that Victim No. 2 sell narcotics to make
19 money to repay the debt?

20 A. That was Ralph Santaniello.

21 Q. Continue, please. I'm sorry.

22 A. Yes. That was Ralph Santaniello.

23 John Calabrese had suggested that he bring more betters
24 to the table, names that they could review -- him and Ralph
25 could review and vet out to ensure that they were not law

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1 enforcement. And that way he could get a certain percentage
2 or a kickback from these betters when they lost with them to
3 repay his debt with them.

4 Q. And now, between August 24 and October 6 were there two
5 additional payments of \$200 made?

6 A. Yes, there were.

7 Q. And who were those payments made to?

8 A. John Calabrese.

9 Q. I want to direct your attention to a payment on October
10 20th of 2015.

11 Was a \$200 payment arranged?

12 A. Yes.

13 Q. Who was the payment to be made to?

14 A. John Calabrese.

15 Q. Where was this payment to occur?

16 A. The YMCA.

17 Q. And did someone other than or in addition to John
18 Calabrese arrive at that one?

19 A. Yes.

20 Q. And who was that?

21 A. That was Ralph Santaniello.

22 Q. During that meeting did Victim No. 2 indicate he could
23 pay no more?

24 A. Yes, he did.

25 Q. Can you describe that discussion, please?

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1 A. I don't recall the details. I do recall that he did
2 tell him that he no longer had employment and was unable to
3 make payments.

4 Q. And was there any discussion in that conversation about
5 again coming up with betters that they could utilize?

6 A. Yes.

7 Q. Did anyone indicate that they would be able to provide
8 Victim No. 2 with tools of the betting trade, if you will?

9 A. I don't recall.

10 Q. After October of 2015 were there any further payments
11 made to Mr. Calabrese or Mr. Santaniello?

12 A. Yes, there was one additional payment.

13 Q. When was that?

14 A. That was July 8th of this year.

15 Q. Now, between November of 2015 and July of 2016 was
16 Victim No. 2 in contact with Mr. Calabrese?

17 A. Yes, he was.

18 Q. And can you describe a little bit about how many times
19 the contact occurred?

20 A. I know there were several contacts, and they were
21 mostly in the context of meeting him at AA meetings.

22 Q. Why would they meet at AA meetings? Why did he want to
23 meet there?

24 A. The Victim No. 2 is a recovering alcoholic, so he still
25 attended alcohol AA meetings, and Mr. Calabrese was also a

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1 recovering alcoholic, and he would attend those meetings, as
2 well.

3 Q. And when he attended -- when they were in the same
4 place, was the discussion just about their recovery?

5 A. No, it wasn't. No, it was not.

6 Q. What did Victim Two tell you about his interaction with
7 Mr. Calabrese?

8 A. Interaction was Mr. Calabrese had asked him how he was
9 doing. Victim No. 2 had stated that everything was good,
10 and that he currently was employed.

11 Q. And hearing that Victim No. 2 was currently employed,
12 what did Mr. Calabrese do?

13 A. Mr. Calabrese arranged over a conversation, text
14 messages and telephone, to have a meeting with Victim No. 2
15 to make additional payments.

16 Q. And in July 2016, on July 8th of 2016, did a payment
17 occur?

18 A. Yes, it did.

19 Q. Can you describe that, please?

20 A. Yes. Victim No. 2 met with John Calabrese at the YMCA
21 in Springfield as they had before. A payment of \$100 was
22 made directly to Mr. Calabrese.

23 Q. And what vehicle was Mr. Calabrese driving at that last
24 meeting in July of 2016?

25 A. Mr. Calabrese was driving his work truck, the Braman

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1 Chemical truck, as he had before.

2 Q. During the course of this investigation did you have
3 the opportunity to review the criminal histories of these
4 five individuals?

5 A. Yes, I have.

6 Q. And now, as it relates, first, to Ralph Santaniello,
7 did you review his criminal history?

8 A. Yes, I have.

9 Q. Did you make a request by law enforcement to get some
10 of the police reports in the indictments of his previous
11 crimes?

12 A. Yes, I have.

13 MR. SHELVEY: May I approach?

14 THE COURT: Yes.

15 Q. I'm going to show you what's been marked Government's
16 Exhibit No. 10, 11 and 12 and ask you if you can identify
17 that.

18 MR. SHELVEY: Your Honor, Counsel for Mr.
19 Santaniello have copies these.

20 A. Yes. Exhibit 10 is an arrest report for Ralph
21 Santaniello.

22 Q. And all of these Exhibits, 10, 11, and 12, are those
23 reports that correspond to charges (inaudible)?

24 A. Of Mr. Santaniello, yes, correct. The first report --

25 Q. Is it safe to say those are older reports?

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1 A. Yes, they are.

2 MR. SHELVEY: I move to admit them.

3 THE COURT: All right. Those are exhibits --

4 MR. SHELVEY: 10, 11 and 12.

5 THE COURT: Okay.

6 MR. SHELVEY: With regard to Mr. Santaniello.

7 THE COURT: At the.

8 GOVERNMENT EXHIBIT NO. 10, 11, 12, ADMITTED

9 Q. And in similar fashion did you have the opportunity to
10 request a police report as it relates to Mr. Gerald Daniele?

11 A. Yes.

12 Q. Again, I'm going to show you what's been marked
13 Government's Exhibit 9 and ask you if you recognize that?

14 A. Yes, I do.

15 Q. Does that correspond to one of the incidents on Mr.
16 Daniele's report?

17 A. Yes, it does. Yes, it does.

18 MR. SHELVEY: Your Honor, I'd move to admit this
19 as Government's Exhibit 9.

20 THE COURT: Any objection, Mr. Entin? No? That
21 will be exhibit -- that will be admitted.

22 GOVERNMENT EXHIBIT NO. 9, ADMITTED

23 BY MS. SHELVEY:

24 Q. And as it relates to Mr. Calabrese, did you have the
25 opportunity to review his criminal history?

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1 A. Yes, I did.

2 Q. And as part of this investigation, did law enforcement
3 make requests of other agencies for copies of those reports,
4 as well?

5 A. Yes, we did.

6 Q. I'm going to show you what's been marked as Exhibit 13,
7 and ask if you if you recognize it?

8 A. Yes, I do.

9 Q. What do you recognize that to be?

10 A. This is a police report. The defendant is Giovanni
11 Calabrese.

12 Q. The individual we've been referring to as John
13 Calabrese?

14 A. Yes, correct.

15 MR. SHELVEY: Your Honor, I'd ask this be admitted
16 in evidence.

17 THE COURT: Objection, Mr. Powers?

18 MR. POWERS: (Inaudible.)

19 THE COURT: Thank you.

20 GOVERNMENT EXHIBIT NO. 13, ADMITTED

21 MR. SHELVEY: Can I just have a moment?

22 Q. During the course of this investigation in
23 Massachusetts, were you aware of a parallel investigation
24 going on in New York City?

25 A. Yes, I was.

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1 Q. Was law enforcement, FBI in Springfield, working with
2 law enforcement in the Southern District of New York?

3 A. Yes, we were.

4 Q. Were two of the subjects --

5 As it relates to this case, who were the subjects of
6 the New York investigation?

7 A. The two subjects related to the New York investigation
8 are Ralph Santaniello and Frank Depergola.

9 Q. Can you tell the Court a little bit about their
10 involvement in the New York indictment?

11 A. Yes. Briefly, Ralph Santaniello and Frank Depergola's
12 involvement was that they provided members of Genovese crime
13 family from New York with a loan in the amount of \$30,000.
14 This loan was provided to Eugene Onofrio, a/k/a the Rooster,
15 who was an acting Capo with the Genovese crime family in New
16 York City who operates the New York City, Connecticut, and
17 Massachusetts.

18 Q. So they're involved --

19 And it's a RICO conspiracy charge?

20 A. It is.

21 Q. And they were alleged, based on this indictment, to
22 have funded a street loan?

23 A. Yes, that's correct.

24 Q. And how much?

25 A. In the amount of \$30,000.

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1 Q. And who did they provide that money to?

2 A. That money was provided to Eugene Onofrio.

3 Q. And that was, you mentioned, the acting Capo?

4 A. He is an acting Capo with the Genovese crime family in
5 New York City, correct.

6 Q. Is that the same acting Capo that's responsible for
7 overseeing the western district -- excuse me -- the Western
8 Massachusetts Area, specifically Springfield?

9 A. Yes. He is possibly for Western Massachusetts, as well
10 as other areas.

11 Q. Now, as it relates to this street loan, this \$30,000
12 loan, were there any weekly interest rate or points that
13 were associated with it?

14 A. Yes, there was.

15 Q. And what was the annual interest rate as it related to
16 this loan?

17 A. I believe it was 1.5 points.

18 Q. 1.5 points, so that's per week?

19 A. Yes, correct.

20 Q. What did that then result in an annual interest rate?
21 Do you remember?

22 A. Approximately 78 percent interest rate.

23 Q. Thank you.

24 Now, this transaction where Mr. Santaniello and Mr.
25 Depergola provided the \$30,000 to Mr. Onofrio, where did

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1 that occur?

2 A. That occurred in Chicopee, Massachusetts, at Johnny's
3 Pizzeria.

4 Q. And did members of law enforcement involved in the case
5 that we're talking about today, were they involved in the
6 surveillance of that transaction?

7 A. Yes, they were.

8 Q. Did they verify that Mr. Onofrio was, in fact, present?

9 A. We did.

10 Q. And that Mr. Depergola and Mr. Santaniello were also
11 present?

12 A. Yes, we did.

13 Q. Now, how did law enforcement come to learn about the
14 \$30,000 street loan?

15 A. We were contacted by the New York Division of the FBI
16 who provided us information that there was a meeting that
17 was going to take place in the Springfield Metropolitan
18 area.

19 Q. And was the FBI utilizing an undercover agent who was
20 involved with this loan and these transactions?

21 A. Yes.

22 Q. Was also a source?

23 A. Yes, correct.

24 Q. Again, did law enforcement here in the Springfield
25 area, in Chicopee, were they able to ascertain and verify

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1 that there was another individual present that law
2 enforcement identified as their cooperating individual?

3 A. Yes, correct.

4 MR. SHELVEY: May I have a moment, Your Honor?

5 THE COURT: Yes.

6 MR. SHELVEY: I think that's all for the
7 government, Your Honor.

8 (Direct examination concluded at 5:07:58 p.m.)

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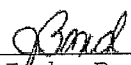
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CERTIFICATION

I, Judy Bond Gonsalves, a court approved transcriber,
certify that the foregoing is a correct transcript from the
official electronic sound recording of the proceedings in
the above-entitled matter.


Judy Bond

November 1, 2016

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